

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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THE TRAVELERS INDEMNITY
COMPANY OF CONNECTICUT, a
Connecticut corporation; and
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a Connecticut
corporation,

Plaintiffs,

v.

BUZZ OATES CONSTRUCTION, INC., a
California corporation; ELITE
READY-MIX, LLC, a California
limited liability company;
FINANCIAL PACIFIC INSURANCE
COMPANY, a California corporation;
RON NURSS, INC dba BLUELINE
CONSTRUCTION, a California
Corporation and DOES 1 through 10,
inclusive,

Defendants.

No. 2:24-cv-02184 WBS AC

ORDER RE: MOTION TO STAY

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Defendant Buzz Oates Construction, Inc. ("Buzz Oates"
or "defendant") is also a defendant in an action pending in the

1 Sacramento County Superior Court, in which the plaintiff in that
2 case asserts twelve causes of action for breach of contract,
3 breach of warranties, negligence, indemnity, product liability,
4 and declaratory relief in connection with alleged construction
5 defects in a concrete slab which defendant entities poured for a
6 new building. Defendants in that action have also asserted
7 various cross-complaints. PW Fund B Development, LLC v. Buzz
8 Oates Construction, Inc., No. 34-2022-00322887 (Cal. Super. July
9 5, 2022).


10 In the present action in this court, plaintiffs
11 Travelers Indemnity Company of Connecticut and Travelers Property
12 Casualty Company of America (collectively, "Travelers") seek to
13 determine Travelers' coverage obligations as the insurer of Buzz
14 Oates and its co-defendants (Docket No. 15). The matter is now
15 before the court on Buzz Oates' motion to stay this action
16 pending resolution of the pending state court case (Docket No.
17 12).

18 Upon consideration of the arguments on both sides, and
19 the applicable case law, the court is persuaded that it will best
20 promote the orderly course of justice to allow the state court
21 action to proceed to final resolution before resolving the
22 question of whether and to what extent Travelers may be obligated
23 to indemnify or pay for any damages awarded in that action.
24 However, the court is not persuaded that in order to protect the
25 interests of both sides it is necessary to stay progress of all
26 pretrial proceedings in this case while the state court action is
27 being litigated.

28 IT IS THEREFORE ORDERED that defendant's motion to stay

1 this action (Docket No. 12) be, and the same is, hereby DENIED,
2 with the following proviso. The court will delay deciding any
3 and all issues relating to insurance coverage in this action
4 until after final resolution of the underlying state court
5 action. Upon such resolution, the parties shall promptly notify
6 this court.

7 Dated: November 20, 2024


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE